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OFFICE OF PETITIONS

In re Application of :  
Shennib et al. :  
Application No. 10/052,199 : DECISION ON PETITION  
Filed: 16 January, 2002 :  
Atty Docket No. 022176-000610US :

This is a decision on the petition filed on 27 December, 2006, which is treated as a renewed petition under 37 CFR 1.181, and, in the alternative, as a petition under 37 CFR 1.137(b).<sup>1</sup>

The petition to withdraw the holding of abandonment is DISMISSED.

The petition is GRANTED.

The application became abandoned on 11 December, 2004, for failure to timely respond to the Notice of Allowance and Fee(s) Due mailed on 10 September, 2004, which set a three (3) month statutory period for reply. Notice of Abandonment was mailed on 18 April, 2006. The petition filed on 25 May, 2006, was

<sup>1</sup> Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continuing examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application, abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

dismissed on 19 July, 2006. The petition filed on 19 September, 2006, was dismissed on 24 November, 2006.

PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

Petitioners request reconsideration of the decision mailed on 24 November, 2006, but have presented no new arguments or evidence in support of reconsideration. As such, the petition to withdraw the holding of abandonment is again **dismissed**.


PETITION UNDER 37 CFR 1.137(b)

The petition is **granted**.

The issue and publication fees have been received.

This application is being referred to the Publishing Division for processing into a patent.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.

  
Douglas I. Wood  
Senior Petitions Attorney  
Office of Petitions